

**DRAFT MEETING MINUTES
CITY OF MILPITAS**

Minutes of:	Special Meeting of the Milpitas City Council
Date:	Monday, March 6, 2006
Time:	6:00 PM
Location:	Council Chambers, Milpitas City Hall, 455 East Calaveras Blvd.

I. ROLL CALL

Mayor Esteves called the meeting to order at 6:00 PM. All gathered said the pledge of allegiance.

PRESENT: Mayor Esteves, Vice Mayor Gomez, Councilmembers Giordano, Livengood and Polanski.

ABSENT: None

II. CITIZENS FORUM

Ed Connor, 1515 N. Milpitas Blvd, informed the City Council that the Senior Center needed a new Bingo Board at a cost of \$10,000-\$15,000, which was more than seniors could reasonably fundraise. He requested that this subject be placed onto the agenda for budget consideration.

Mayor Esteves replied that it could be discussed at the budget workshop hearing later this spring.

III. APPROVAL OF AGENDA

Motion: to approve the agenda for March 6 meeting

Motion/Second: Councilmember Giordano/Councilmember Livengood

Motion carried unanimously by a vote of:	AYES: 5
	NOES: 0

IV. RESOLUTION

The City Council discussed the draft language for the ballot question, for the June 6, 2006 election, when voters would vote on an advisory vote measure regarding charter city status for Milpitas. The City Council considered a Resolution calling for a specific ballot question, which was:

ADVISORY VOTE ONLY

"Should the Milpitas City Council place before the voters a charter city proposal that would require the following: (1) a budget reserve only for emergencies and not salaries, (2) voter approval of future capital projects over \$15 million, (3) increase City Council from five to seven members, (4) an open recruitment process for top city management, (5) scheduled performance audits for all city departments, and (6) voter approval for city charter amendments?"

City Attorney Steve Mattas explained that Council representatives put the draft wording of the measure together and it could go to ballot as prepared before the City Council this evening.

Councilmember Polanski asked a question about the estimated costs, and where would the money come from to pay election costs. Mr. Mattas replied that the only appropriate funding source was the City's General Fund. She read aloud the six items that could be part of a suggested charter, in the measure question. Her belief was that only two of those were things the Council could not do presently.

Mayor Esteves asked about the measure approval, and when would the issue (a charter) go to the voters?

The City Attorney reminded the Council that it was an advisory measure only. If approved tonight, the issue would go to the voters on June 6, 2006. Any actual charter to be adopted would have to involve voter approval, in a future election. In response to the Mayor, the City Attorney re-iterated that an impartial analysis required that it was impartial about what subject was on the ballot. The City Attorney's impartial analysis would be very brief (limited to 500 words).

The Mayor asked if item #1 in the ballot question meant Salaries – and benefits? For the record, the Vice Mayor said on #1 the intent was indeed salaries *and* benefits.

PUBLIC COMMENTS:

Bob McGuire, lived in Milpitas 41 years, worked here 20 years. Thought this idea was “killed off” about 3 or 4 years ago. He thought it was a dead issue and was concerned about this concept. He talked to City employees, and said, to a person, they were opposed. Mr. McGuire felt the City doesn't need the expense of seven full time Councilmembers, and was sensitive to retirement benefits and costs around what his community can afford. He did not think we should afford it.

Ed Connor, spoke with a little authority on this subject. He wore his AAPW shop steward coat and had been a union guy and he won every contest he had in 20 years. He wanted to see the charter proposal in black and white, with more details on paper. How was this going to play with the economy and the people and the politics of the City, he wondered.

Mareile Ogle, 1472 Pashote Ct, did a survey among her colleagues and friends. Everyone has one apolitical worry about the expense. She recalled a school bond ballot issue that failed last year. She asked, how much does it really cost? And, does it need 2/3 or a straight majority?

City Attorney Mattas expressed that the measure would be advisory only, so the vote was not binding. Vote will get whatever it gets in results. If in the future there was a Charter City measure, Council may define that a 2/3 vote was required. The City Clerk reported a cost estimate of \$82,556, per information gathered from the County Registrar.

Jerry Epps, 1370 Mt. Shasta Ave, stated he was the Vice Chairman in 2001 of a City task force, when the idea of a charter city at that time was studied. Final outcome was nine opposed and two in favor of going toward Charter City. The Task Force believed the city should operate in business-like professional manner, as a general law city. Today, City budgets are tighter, costs are up and rising, but Milpitas politics remain the same. Still need the experience of a professional City Manager. For this City Council to say the task force work's was not valid, and need real input from citizen volunteers is no good. Mr. Epps asked the Council not to put measure on the ballot.

Rob Means, 1421 Yellowstone, said \$80,000 sounds like a ballpark figure for maybe why we have an interim City Manager at this time. But, the City is willing to spend money on this now? The previous City Council majority put the hillside measure on the ballot in 2004, but they didn't waste money on an advisory vote. Council could save money by just putting the issue to a vote, not simply seeking advisory vote. He brought up past history, when Mr. Livengood sponsored a term limits measure. Spoke of different results by the governing body.

Jim Rabe, 1700 Big Bend Drive, thought that \$86,000 could be better used on the budget for the citizens of the city, and they are getting short changed through this effort.

John Ogle, 1472 Pashote Ct, has not yet found what the advantages of doing this would be. He would like to see something written about what are the advantages of making this significant change.

Denny Weisgerber, 195 Casper St, wanted to know the benefits of a charter. He saw two more Councilmembers on the dais, and in his experience five people can't get out before midnight from meetings. He would like to know exactly the benefits, beyond personal gain for some. He voted against having a salary for the City Council when first discussed. He believed the Councilmembers were here to serve the people, not themselves. His advice was to pull themselves up from the bootstraps, and run the City as it was elected to do.

Mr. Olnier, 2180 Sepulveda, would like to see written in the Post, the pros/cons of this idea. Then, Council members should resign immediately if it doesn't pass.

COUNCIL REMARKS:

Councilmember Livengood related what was suggested to go on to the ballot. Charter cities do a lot of good things, and Milpitas is the largest city in Santa Clara County that did not have one. A benefit was that changes to a charter must go through the voters (not Council) always. He mentioned the City of Santa Clara issue, about Councilmembers joining PERS and it must go to voters. He brought up the cost of Milpitas City Hall and that with a charter, the voters must say yes/no on the ballot for expense capital projects. A charter could prevent Council ebbs/flows when a substantive change must go to voters, as opposed to just by a Council vote.

Mr. Livengood continued by commenting that voters would ultimately make the decision about going to Charter or not. Milpitas is a different city than 30 years ago. A charter could give more people opportunity to serve the City. He did not agree or was not sure that it will cost more, studies would need to be done to determine that issue. He respected the task force's work and final vote four years ago. A true report card would be noted by the voters.

From the audience, Mr. Weisgerber asked: would more Councilmembers be elected, then, by district, under a charter? Mr. Livengood responded that Council could expand now from five to seven members, but that would have to be district, per California law. With an adopted City Charter, additional Councilmembers could be elected city-wide (not by districts necessarily).

Councilmember Polanski believed the City did not have to go to seven Council members, if there is a charter city. Who will write a new charter, if ballot question passes in June? Why is this subject going on the June ballot, and not going through the budget process? She did not see a rush to go to citizens in June this year, when it could go on in November, which would cost less and give the public more time to understand a charter. She announced she would not vote to put it on the ballot in the June election.

Mayor Esteves stated he would vote no again (as he did at the last meeting on putting this onto the ballot). He reiterated that the Council was given good input from the prior Task Force, along with professional college professor input and from inquiry of other cities. He asked, what was really the benefit? He felt it was uncomfortable being brought back up, after the work of the Task Force was done. Unless major changes have happened, then a charter was not needed. Elections should be taken seriously. Elections is not a joke, not a game, it's serious, he said. We should build trust, by what is placed on ballot. He repeated that he would vote no.

Councilmember Giordano said she read through the Task Force report and spoke to the two minority-vote members on that body. There are a lot of elements in the report to discuss. She said Council would be remiss not to go to the voters and to step forward for action, for an advisory vote. She felt it was great that the pros/cons were brought up tonight, and that was good. She further said that to educate the voters on what they are voting on was important and to make it very clear was the ballot measure was about.

MOTION: Adopt Resolution No. 7581, placing before the voters of Milpitas an Advisory Measure on the June 6, 2006 Primary Election related to whether the City Council should place a Charter City ballot measure on specified topics before the voters, and that in Section 5 that Councilmembers Livengood and Gomez be authorized to submit an argument in favor and a rebuttal argument.

Motion/Second: Councilmember Livengood / Vice Mayor Gomez

Motion carried by a vote of: AYES: 3
NOES: 2 (Esteves, Polanski)

V. **ADJOURNMENT** Mayor Esteves adjourned the Special Meeting at 6:43 PM.

Minutes respectfully submitted by:

Mary Lavelle, City Clerk

**DRAFT MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular Meeting of Milpitas City Council
Date: Tuesday, March 7, 2006
Time: 6:00 PM (Closed Session)
7:00 PM (Public Business)
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd.

ROLL CALL

Mayor Esteves called the meeting to order at 6:00 PM.

PRESENT: Mayor Esteves, Vice Mayor Gomez, Councilmembers Giordano and Polanski

ABSENT: Councilmember Livengood

CLOSED SESSION

Mayor Esteves publicly stated the Council would convene in Closed Session to discuss the following two issues:

- (1) **CONFERENCE WITH LABOR NEGOTIATORS – COLLECTIVE BARGAINING**
(Pursuant to California Government Code Section 54957.6)
City Negotiators: Art Hartinger, Ed Kreisberg, Carmen Valdez. Employee Organizations:
Milpitas Police Officers Association (MPOA), International Association of Firefighters
(IAFF), Protech. Under Negotiation: Wages, Hours, Benefits, Working Conditions
- (2) **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
(Pursuant to California Government Code Section 54956.8)
Property: 82 North Main Street, Milpitas, CA (APN: 028-24-024)
City Negotiator: City of Milpitas (Mark Rogge)
Negotiating Parties: Mr. Chaudhary, Mr. Singh, and Mr. Sandhu
Under Negotiation: Terms and Conditions for Lease

The City Council reconvened in Open Session at 7:00 PM with Mayor Esteves presiding and three Councilmembers present.

**CLOSED SESSION
ANNOUNCEMENT**

NONE

PLEDGE

Boy Scouts Troop No. 92 Color Guard led the Pledge of Allegiance.

INVOCATION

Pastor Jim Tirone of Christ Community Church of Milpitas offered the invocation.

MINUTES

MOTION: to approve minutes of the February 21, 2006 Council meeting, as submitted.

Motion/Second: Vice Mayor Gomez/Councilmember Polanski

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

SCHEDULE OF MEETINGS

MOTION: to approve the Schedule of Meetings, as amended.

Councilmember Giordano stated that the March 9th Terrace Gardens Board meeting was canceled, and would meet only once per month from now on.

Motion/Second: Councilmember Polanski/Vice Mayor Gomez

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

PRESENTATIONS

Certificate of Appointment

Mr. Syed Mohsin was re-appointed to a term on the Community Advisory Commission.

Proclamations

1.) Mayor Esteves proclaimed "Certified Government Financial Manager Month" for March. Mr. Alex Gulang received the proclamation on behalf of the local chapter of CGFM.

2.) Mayor Esteves proclaimed "National Purchasing Month" for March. The proclamation was presented to the City's Purchasing Agent Christopher Schroeder. He credited the staff in the City Finance Department, namely Linda Cortinas, Rosina Castellanos, Keith Dills, Irene Felix, and Bart Damele.

Certificates of Commendation

1.) Milpitas Police Athletic League Football – 4 Cheer Moms, 10 Cheer Coaches, and 3 Team Mascot Assistant Coaches were presented certificates from the Mayor.

2.) Three local organizations, Community Arts & History Support, Northeast Region APPN, and Milpitas Vietnamese Lions Club, organized the First Vietnamese-English *Principles of Life* Essay Celebration and Contest. Maria Nguyen thanked the Mayor and City Council for support.

3.) Ten Student Winners of the First Vietnamese-English *Principles of Life* Essay Contest were presented certificates by the Mayor, and he also noted the Honorable Mention students.

CITIZENS FORUM

Evan Trapp, resident of Milpitas, provided the City Council with his own suggestions for revising the manner in which his \$150 deposit for utility services is handled by the City. He provided a written copy of his suggestions to the City Clerk.

Mayor Esteves thanked him for input and Councilmembers Giordano and Gomez responded that this matter could be discussed at a Finance Subcommittee.

A man, who did not state his name, asked about the charter city ballot measure, stating that he would like more information about it.

Vice Mayor Gomez explained that Councilmember Livengood and he wrote a memo a few weeks ago, a copy of which was available from the City Clerk. An argument in favor of the measure will be written by those two Councilmembers and printed in the ballot pamphlet.

ANNOUNCEMENTS

City Manager Charles Lawson announced the successful workshop "Doing Business in Milpitas," hosted jointly by the Chamber of Commerce and the City last week, which was well attended.

Mayor Esteves congratulated city staff and sponsors who brought the workshop to prospective small business people in Milpitas.

Councilmember Polanski attended the *Principles of Life* celebration, where she appreciated reading the winning essays. She encouraged folks to go to the Milpitas library to read them.

Also, the Community Advisory Commission recently held a meeting to consider Community Development Block Grant allocations, with recommendations due to Council in April. With less money this year to distribute, it was difficult for the competing groups.

Councilmember Polanski also reminded the public about new recycling activity – new blue bins for single stream recycling, starting on March 13. She also thanked the Chamber for its successful sold-out Crab Feed event. The Milpitas Foundation for Education planned a fundraising event on April 7 at 6 PM, a crab feed and silent auction.

**ANNOUNCEMENT OF
CONFLICT OF INTEREST**

None

APPROVAL OF AGENDA

MOTION: to approve the agenda as amended

Councilmember Giordano requested that Agenda Item No. 2 be removed from the agenda and moved to the March 21 agenda instead.

Motion/Second: Councilmember Giordano/Vice Mayor Gomez

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

CONSENT CALENDAR

MOTION: to approve the Consent Calendar as submitted

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

*** 1. Continue Use Permit and
“S” Zone change for Piercey
Automobile Dealership**

Continued the Public Hearing date for Use Permit Application No. UP 2006-1 and “S” Zone change application No. SZ 2006-1 to the March 21, 2006 Council meeting date.

*** 3. Mayor’s Recommendation
to Commission**

Appointed Anastasia Sen-Beals to a vacancy on the Economic Development Commission for a hotel representative, with an expiration of April 2007.

*** 5. Second Reading and
Adopt Ordinance No. 43.203**

Waived the second reading of the Traffic Ordinance, and adopted Ordinance No. 43.203, an Amendment to the Traffic Code to Change the Speed Limits on Various Streets.

*** 6. Agreement with
CalRecovery, Inc., for Solid
Waste Franchise
Compensation Audit Services**

Authorized the City Manager to execute the agreement with CalRecovery, Inc, in the amount of \$44,890, subject to approval as to form by the City Attorney.

*** 7. Plans & Specifications
and Bid Proposals for Sewer
Deficiency and Structural
Correction Program**

Approved plans and specifications, and authorized advertising for bid proposals, for Project No. 6073.

*** 8. New Capital Improvement
Project and Budget for
Milpitas Communications
Enhancements**

Approved the new Capital Improvement Project entitled “Milpitas Communications Enhancements” and approved a Budget Appropriation of \$75,000 from the Street Fund ,for Project No. 4232.

*** 9. Approve Payment Request**

Approved payment of \$20,505 to Medtronic Emergency Response Systems for the annual service and support agreement for Fire Department equipment.

UNFINISHED BUSINESS

*** 2. Report Cost of
Investigation of Potential
Conflict of Interest**

This item was removed from the agenda at the request of Councilmember Giordano, with a request that it be presented to the Council at its next meeting.

JOINT REDEVELOPMENT

AGENCY AND CITY COUNCIL MEETING

RA1.

Mayor/Agency Chairman Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 7:48 PM.

RA2.

PRESENT: Mayor/Chair Esteves, Vice Mayor/Vice Chair Gomez and Agency/
Councilmembers Giordano and Polanski

ABSENT: Agency/Councilmember Livengood

RA3.

Motion: approve the Redevelopment Agency minutes of February 21, 2006, including joint meeting with the City Council, as submitted.

Motion/Second: Agency/Councilmember Giordano/ Agency/Councilmember Polanski

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

RA4. Approval of Agenda and Consent Calendar

Motion: to approve the agenda and consent calendar for the Agency

Motion/Second: Agency/Councilmember Giordano/ Agency/Councilmember Polanski

Motion carried by a vote of:

AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

RA 5. Progress Report on Library and East Parking Garage

Jeff Adams of Cheung Partners was present with City staff Mark Rogge to discuss the progress of Projects No. 8162 and No. 8161.

The latest overall cost estimate for the library project remained at \$12.5 million. Current construction cost estimates were slightly reduced to prepare for expected later increases in costs, including anticipated increases for materials.

Mr. Rogge reviewed the status of the garage design and the connector between the parking garage and the library building. Additionally, he discussed the No. Main Street Utilities Project with the latest details of the undergrounding of utilities in the Mid-Town area, which was preparing to get underway. He further detailed some of the recent land acquisition, hazardous materials abatement and site preparation.

MOTION: receive the staff progress report on the new library and surrounding projects

Motion/Second: Vice Chair/Vice Mayor Gomez/ Agency/Councilmember Polanski

Motion carried by a vote of:

	AYES: 4
	NOES: 0
	ABSENT: 1 (Livengood)

RA 6. Agreement For Consultant Services with Critical Solutions, Inc.

Staff Mark Rogge discussed why Critical Solutions Inc (CSI) was selected to be the project management team for the new Milpitas library (Projects No. 8162, 8161, 8165, 8153, 8154, and Other Projects as Assigned).

The Critical Solutions, Inc. team consisted of President Ron Johnson, Project Manager Tom Hedges, and Construction Manager Darryl Witbeck from the firm, who were present at the meeting. This company constructed the Santa Clara New Central Park Library, Shasta County Library/Redding Main, Kaiser Parking Garage, Evergreen Community College Library and Educational Technology Center, among other recent successful projects.

The Construction Manager highlighted work that they were now completing for the San Mateo New Main Library, Berkeley Central Library (historic facility façade), and the University Circle Parking Garage (East Palo Alto).

Councilmember Giordano asked, what was the cost for this project relative to overall costs (based on other libraries)? CSI management said it depends on the nature of the contract and gave an example of 6-7% of construction costs for another city's library building. Mark Rogge responded that the cost was in line with other similar projects. The sum is a lump sum fixed, with other costs variable.

Councilmember Polanski asked if the team presented tonight was the same team that was scheduled to work throughout the life of the library project? Yes was the reply.

Vice Mayor Gomez wondered if City staff had a more integrated role in the project. Mr. Rogge responded stating that it was City staff's job to ensure that CSI complied with the contract and performed work as documented. Also, staff would be out in the field as construction proceeds. He detailed which staff would be out there in the field.

Mayor Esteves asked how would the organization chart look when staffed, and wanted to know who was the main "number one" person in charge of this significant building in Milpitas. Mr. Tom Hedges responded it would be him. He addressed the issue of keeping change orders to a very minimum on a project of this size.

MOTION: Authorize the City Manager to execute an agreement with Critical Solutions, Inc. in the amount of \$2,200,000, subject to approval as to form by the City Attorney

Motion/Second: Vice Chair/Vice Mayor Gomez /Agency/Councilmember Polanski

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

RA 7. Consideration of the Draft 2005-10 Redevelopment Implementation Plan

Economic Development Manager Diana Whitecar presented the draft plan to the Council. She reviewed the two project areas in Milpitas: RDA Plan Area No. 1 and the Great Mall (with an 11/2/08 expiration date).

The Plan could celebrate successes and achievements as highlighted, with transportation, utilities, public infrastructure, and open space as the noted major investments over the last five years.

She further identified seven major projects completed in the redevelopment area, including storm drain improvements, sewer & water projects, Milpitas Sports Center and Senior Center improvements, Civic Center improvements, City Identification signs and Mid-Town area improvements. Current Goals and Objectives were detailed, noting that especially commercial rehabilitation needed attention. She explained in some detail, in response to Vice Mayor Gomez's inquiry on this detail of the plan.

Ms. Whitecar also discussed the adopted Capital Improvement Program, including the total funds for CIPs generated from Redevelopment money. She reviewed current law and approaches statewide, with regard to CIP funding.

With regard to affordable housing, the project area through December 2014 would accumulate \$52 million toward future affordable housing. The total number of units created over the last five years was 456. Revenues & Expenditures for 2005-2010 were examined (as in the written report). Required debt services, in addition to expenditures on major projects such as the library and senior center, were identified.

Conclusions:

For 80% of the RDA Fund: the city needs an active CIP Plan, and with moderate growth such as 4%, with bond proceed obligations met, the RDA fund would not cover expenditures within five years. Therefore, there was a need to refocus on projects that would create tax increment revenue growth, without impacting General Fund.

For the 20% Set Aside Fund: there were active programs, which could expand, and the City has met its senior low-income housing requirement with the DeVries Place project, now underway.

Councilmember Polanski stated she wanted to move the public hearing date later into the spring a bit, as she needed more time to review the draft plan in detail, and wanted more time to read it and comment.

Councilmember Giordano inquired as to whether the 20% housing set aside funds were addressed in the General Plan's Housing Element. Planning staff would address this at the next City Council meeting.

Vice Mayor Gomez asked Ms. Whitecar when the plan must be adopted, and she responded: within the Fiscal Year.

MOTION: request staff continue the preparation of the 2005-2010 Redevelopment Implementation Plan, with further public discussion scheduled at the April 18, 2006 City Council meeting, and at that meeting, schedule a public hearing date in the future to adopt the final plan.

Motion/Second: Agency/Councilmember Polanski / Mayor/Chair Esteves

Motion carried by a vote of:

AYES: 4

NOES: 0

ABSENT: 1 (Livengood)

***RA 8. Plans & Specifications and Ad for Bid Proposals**

Approved plans and specifications, and authorized advertising for bid proposals for the North Main Street Development Soil Remediation and Site Preparation, Project No. 8154

***RA 9. Resolution of Initial Acceptance of the Coyote Creek Trail, Reach 1**

Adopted Resolution No. RA 249 Granting Initial Acceptance of the Coyote Creek Trail Reach 1, Project No. 4206.

***RA 10. Purchase Order for Legal Services**

Approved Purchase Order for Meyers, Nave in the amount of \$300,000, for public works litigation expenses for FY 2005-06 and approved appropriate in the amount of \$300,000 from the Redevelopment Agency undesignated reserves to the City Attorney's Department Supplies and Services Budget for FY 2005-06.

RA 11. ADJOURNMENT

Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 8:56 PM.

REPORTS OF OFFICERS

Item Adopted on Consent Calendar.

ORDINANCES

4. Second Reading and Adoption Ordinance No. 273

Assistant City Attorney Richard Pio Roda explained that the Ordinance presented for adoption called for an alternate member on the Milpitas Planning Commission. It would be effective April 7, if adopted and the soonest that the City Council could make an appointment would be on April 18.

Mr. Pio Roda also asked the City Council to provide staff with direction on how it would like to proceed with the recruitment of an alternate member. At its own discretion, the City Council may choose to hold a special meeting to interview applicants, after the typical recruitment effort for Commissioners, through the City Clerk's office.

Vice Mayor Gomez mentioned the Planning Commission applicant interviews held recently (November 30, 2005) were fresh in his mind. He wanted to consider selection from among those applicants who were not appointed last fall.

Councilmember Giordano wanted to advocate going out broadly in the community for recruitment of the alternate member. She recommended the normal process, where it should be advertised, as if a regular vacancy on the Commission, and holding the usual interviewing selection process.

Councilmember Polanski understood the Vice Mayor's comments, but if the ordinance was adopted, she felt it important to continue the same process used in the past, to post the vacancy, have the City Clerk receive applications, and maybe hold shorter interviews. Basically, she supported the same process used last time for Planning Commissioners.

Mayor Esteves agreed with Councilmembers Polanski and Giordano, to have the regular recruitment process. He did not support any "pre-selection."

(1) MOTION: Waive second reading of Ordinance No. 273

Richard Pio Roda read aloud the title "An Ordinance of the City Council of the City of Milpitas Adding Section 1.15 to and Amending Sections 1.01 and 1.03 of Chapter 500 of Title I of the Milpitas Municipal Code related to the Appointment, Power and Duties of an Alternate Member of the City of Milpitas Planning Commission."

Motion/Second: Vice Mayor Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

(2) MOTION: Adopt Ordinance No. 273

Motion/Second: Vice Mayor Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 3
NOES: 1 (Esteves)
ABSENT: 1 (Livengood)

(3) MOTION: Continue the recruitment process as for any other Planning Commission vacancy, announce it, set a date for and hold interviews; and, possibly consider some different questions on the Supplemental Questionnaire that accompanies the application.

Motion/Second: Councilmember Polanski /Vice Mayor Gomez

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Livengood)

BIDS AND CONTRACTS

Items were adopted on the Consent Calendar.

CLAIMS AND DEMANDS

Item was adopted on the Consent Calendar.

ADJOURNMENT

Mayor Esteves adjourned the meeting at 9:04 PM.

Minutes respectfully submitted by:

Mary Lavelle, City Clerk